RESOLUTION AGREEMENT
Williamsburg-James City County Public Schools
OCR Case No. 11-24-1375

Williamsburg-James City County School Board ("School Board" or "Division") agrees to fully implement this Resolution Agreement to resolve the allegation investigated in Office for Civil Rights (OCR) Case No. 11-24-1375. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item 1 - Training

The Division will arrange for training of all [redacted content] staff, including administrators, teachers, counselors, and others who play a role in identifying students who need to be evaluated to determine eligibility under Section 504 and the 504 evaluation process, by a person/s with Section 504 expertise, regarding the School's legal obligations under Section 504. The training should, at a minimum, cover the following: the duty to evaluate a student where there is reason to believe the student might have a disability, including a discussion of what triggers the duty to evaluate; the Section 504 procedural requirements related to evaluation and placement; and the Section 504 requirements related to discipline when either there is reason to believe a student has a disability or a student has been determined eligible under Section 504.

Reporting Requirements:

a. By August 7, 2024, the Division will submit to OCR, for OCR's review and approval, a copy of the proposed training materials and the name(s), position title(s), and qualifications of the individual(s) who will conduct the training.

b. Within 30 days of receiving OCR's approval, the Division shall conduct the training and provide verification to OCR, including: (a) the name of the individual(s) who conducted the training; (b) the date(s) of the training session(s); (c) all training materials; and (d) a sign-in sheet with the names, signatures, and position titles of the Division personnel who participated in each training session.

Action Item 2 –Individual Relief

By August 15, 2024, after providing proper written notice to the Complainant, the Division will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the Complainant, to discuss the provision of compensatory and/or remedial services to the Student for the time period the Student did not receive appropriate regular and/or special education or related services since the start of the 2023-2024 academic year. If the group determines that the Student needs such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond the start of the 2024-2025 academic year. The Division will provide the Complainant with written notice of the outcome of the meeting, including an explanation for decisions made, a description of and schedule for

providing compensatory and/or remedial services (if any) to the Student, and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

a. Within one week of the meeting required by Action Item 2, paragraph 2, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and a list of meeting attendees. The Division will also submit to OCR a copy of the written invitation to the Complainant and a copy of the notice of the outcome of the meeting that was provided to the Complainant. OCR will review the documentation submitted to ensure that the Division met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.

b. By October 30, 2024, the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided (if any were determined necessary), a description of what was provided, and the name(s) of the service provider(s).

Action Item 3 – Other Students Affected

The Division will review its records of all formal or informal requests for an IEP or 504 Plan, or any other instances where the Division reasonably suspected the need for an evaluation of a student at the School due to a disability during the 2023-2024 school year, to ensure that it has responded in each instance consistent with 34 C.F.R. Section 104.35.

Reporting Requirements:

a. By October 1, 2024, the Division will provide OCR, for OCR's review and approval, with a detailed explanation of the review conducted pursuant to Action Item 3 and a list of all students (by name or unique identifier) for whom a request for a 504 Plan or IEP was made or where there was another reason to suspect the student might have a disability during the 2023-2024 school year. For each student, please include whether the Division evaluated the student to determine eligibility for special education or related services and, if so, the date of the evaluation and outcome. For all students listed who were not evaluated, please describe the reason why.

b. If the Division finds, following OCR's review and approval, that a student(s) needs or is believed to need special education or related services due to a disability and was not evaluated in a manner consistent with Section 504, within 30 calendar days of OCR's approval of Reporting Requirement (a) for Action Item 3, the Division will convene a group of persons knowledgeable about the student, making all reasonable efforts to include the parent/guardian, to discuss the provision of compensatory and/or remedial

services to the student for the time period the student did not receive appropriate regular and/or special education or related services. If the group determines that the student needs such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond the end of the 2024-2025 academic year. The Division will provide the parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the student, and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

c. Within one week of the meeting required above, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the student, and a list of meeting attendees. The Division will also submit to OCR a copy of the written invitation to the parent/guardian and a copy of the notice of the outcome of the meeting that was provided to the parent/guardian. OCR will review the documentation submitted to ensure that the Division met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.

d. By February 15, 2024, the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided (if any were determined necessary), a description of what was provided, and the name(s) of the service provider(s).

By signing this Agreement, the Division agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of this Agreement, if necessary, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement.

The Division understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the Division is in compliance with the terms of the Agreement and with Section 504 and its implementing regulation at 34 C.F.R. Part 104 and Title II and its implementing regulation at 28 C.F.R. Part 35.

The Division understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice for judicial proceedings to enforce the specific terms of this Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the Division written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: Brookie Crews Date: August 1, 2024

Brookie Crews
Director of Special Education